

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Before the court is plaintiff's Motion to Compel combined with a Request for Sanctions. (Doc. # 70, Doc. # 71, respectively.)¹ Defendants have opposed (Doc. # 74) and Plaintiff replied (Doc. # 75).

¹ Refers to the court's docket number.

1 defendants' discovery responses. (*See, e.g.*, "Points" 2, 3, 5, and 10.)

2 The court is also concerned about plaintiff's certification that plaintiff, as movant, "after
3 personal consultation and sincere effort to do so," attempted to resolve the discovery dispute. *See*
4 L.R. 26-7(b). Defendants' response raises a question about whether Plaintiff has complied with the
5 rule requiring consultation on the specific discovery dispute. (Doc. #74 at 6.) Even assuming plaintiff
6 satisfied Local Rule 26-7(b), it is still almost impossible for the court to identify the deficiencies
7 plaintiff contends plague defendants' discovery responses.² While the court is required to construe *pro*
8 *se* pleadings liberally, "[p]ro se litigants must follow the same rules of procedure that govern other
9 litigants." *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987); *see also Briones v. Riviera Hotel &*
10 *Casino*, 116 F.3d 379, 381 (9th Cir. 1997) (*per curiam*).

11 Finally, there comes a point in time when "enough is enough." Defendants have already
12 responded to multiple sets of interrogatories, requests for admissions and requests for production.
13 (Doc. #74 at 2-4; Krause Affidavit, Exhibit A.) Defendants' counsel has invested in excess of seventy-
14 five (75) hours responding to plaintiff's written discovery. (Doc. # 74 at 4-5, n. 12, Krause Affidavit
15 at ¶ 7.)

16 This action is not unduly complicated. Plaintiff's claim is centered on the allegation that
17 Defendants used excessive force against him while he was handcuffed and in leg irons on August 24,
18 2008. (*See* Doc. # 9 at 3, Doc. # 70 at 1.) Based on defendants representations, the court concludes
19 that it appears plaintiff has conducted sufficient discovery to prove the elements of his claim and his
20 damages.

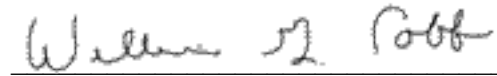
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26 ² The court notes plaintiff is no stranger to civil litigation in the District of Nevada and should be familiar
27 with the requirements of the local rules. In addition to the instant matter, Mr. McGuire is or has been a plaintiff
28 in multiple other lawsuits: *McGuire v. McDaniel, et al.*, case number 3:10-cv-00684-HDM-VPC; *McGuire v.*
State of Nevada ex rel. Nevada Department of Corrections, et al., case number 3:10-cv-00800-LRH-WGC; and
McGuire v. State of Nevada ex rel. Nevada Department of Corrections, et al., case number 3:10-cv-00029-HDM-
WGC.

1 Good cause appearing, plaintiff's Motion to Compel (Doc. #70) and Request for Sanctions
2 (Doc. #71) are **DENIED**.

3 **IT IS SO ORDERED.**

4 DATED: December 30, 2011

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7 WILLIAM G. COBB
8 UNITED STATES MAGISTRATE JUDGE
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